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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,345	02/26/2004	Jeffrey M. Fries	024777.0136PTUS	3974
7590	12/19/2007			
IP Department Patton Boggs, LLP Suite 3000 2001 Ross Avenue Dallas, TX 75201			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,345

Applicant(s)

FRIES ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Rakotoarivelo et al. (Pub. No.: US. 2003/0212685).

Regarding claim 1, Rakotoarivelo et al. (“Rakotoarivelo”) teaches a computerized system for automatically updating the layout of a telecommunications network, the system comprising:

a maintenance entry component (i.e., user interface 15 as shown in figure 1) for receiving maintenance information (see paragraph [0045]); and

a structural database component that updates the physical layout database of the network to reflect equipment has been added or removed from the physical layout of the telecommunications network (see paragraphs [0052]).

3. Claims 8-10 and 14-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Galou et al. (US. Pat. #: 6,957,263).

Regarding claim 8, Galou et al. ("Galou") teaches a method in a computer system for automatically updating the layout of a telecommunications network, the method comprising:

receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network (see col.8,line 36 through col.9, line 43); and

automatically updating a physical layout database of the network to reflect that equipment has been added or removed from the physical layout of the telecommunications network, such that information in the physical layout database may be utilized to generate line usage reports (col.13, lines 12-54 and col.14, lines 44-60).

Regarding claim 9, Galou further teaches limitations of the claim in col.14, lines 13-27.

Regarding claim 10, Galou further teaches limitations of the claim in col.5, lines 19-23; col.12, lines 25-33 and col.14, lines 3-8.

Regarding claim 14, Galou further teaches limitations of the claim in col.7, line 51 through col.8, line 48.

Regarding claim 15, Galou teaches a method in a computer system for displaying load balance activity, the method comprising:

receiving maintenance information that equipment has been added or removed from a physical layout of a telecommunications network (col.8, lines 20-24 and col14, lines 9-25);

storing the maintenance information for the associated equipment in the telecommunications network (col.13, lines 46-54; col.14, lines 47-60);

receiving request for line usage information for one or more items of equipment in telecommunications network (col.10, lines 3-16);

accessing maintenance information associated with the one or more items of equipment; and displaying the line usage information and associated maintenance information (col.13, lines 12-45).

Regarding claim 16, Galou further teaches limitations of the claim in col.14, lines 13-27.

Regarding claims 17-19, Galou further teaches limitations of the claim in col.13, lines 3-22 and lines 57-65.

Regarding claim 20, Galou further teaches limitations of the claim in col.7, line 51 through col.8, line 48.

Regarding claims 21-25 are rejected with the same reasons set forth in the rejections of claims 15-20 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakotoarivelo et al. (Pub. No.: US. 2003/0212685) in view of Galou et al. (US. Pat. #: 6,957,263).

Regarding claim 2, Rakotoarivelo teaches all subject matters as claimed above, except for the features of the maintenance information including lines that have been added to a particular line unit. However, Galou teaches such feature in col.11, lines 43-57 for a purpose of establishing route connections.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the features of the maintenance information including lines that have been added to a particular line unit, as taught by Galou, into view of Rakotoarivelo in order to improve maintenance services in wirelined telecommunication networks.

Regarding claim 3, Galou further teaches limitations of the claim in col.14, lines 9-25; col.16, lines 7-28.

Regarding claim 4, Galou further teaches limitations of the claim in col.18, line 45 through col.19, line 6.

Regarding claim 5, Galou further teaches limitations of the claim in col.5, lines 19-23; col.12, lines 25-33 and col.14, lines 3-8.

6. Claims 6-7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakotoarivelo et al. (Pub. No.: US. 2003/0212685) in view of Galou et al. (US. Pat. #: 6,957,263) as applied to claims 1 and 5 above, and further in view of Mehra et al. (US. Pat. #: 7,089,583 as cited in the previous Office Action).

Regarding claims 6-7 and 11-13, Rakotoarivelo and Galou, in combination, teaches all subject matters, except for a maintenance and tracking information including time and date that the information was enter, and an identity of the user entering the maintenance information. However, Mehra et al. ("Mehra") teaches an automated system comprising a Business Development Kit ("BDK") providing the ability to track the history of all changes to an object, including the time and date of a change, the identity of the user, etc. for a purpose of providing security.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of a maintenance tracking component for storing and tracking information including time and date that the maintenance information was enter, and an identity of the user entering the maintenance information, as taught by Mehra, into view of Rakotoarivelo and Galou in order to provide security and to protect the computerized system.

Response to Arguments

7. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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Or faxed to:

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BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: December 17, 2007